

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In the Matter of)	
)	Civil Action No.
Fernando Fontanez)	07 C 0224
Plaintiff, <i>pro se</i>)	

EXECUTIVE COMMITTEE ORDER

On January 19, 2007, pro se plaintiff Fernando Fontanez filed a notice of appeal from the January 18, 2007 Executive Committee order, in which the Executive Committee imposed restrictions on Mr. Fontanez's filing of new civil cases pro se in this district. Mr. Fontanez has now filed a application to proceed in forma pauperis ("IFP") on appeal (Dkt. No. 4). Because the Executive Committee finds Mr. Fontanez's appeal to be frivolous, the Executive Committee denies Mr. Fontanez's application to proceed IFP.

Requests to proceed IFP and appointment of counsel are reviewed under 28 U.S.C. § 1915. To ensure that indigent litigants have meaningful access to the courts, § 1915 allows an indigent litigant to commence an action in federal court without paying the administrative costs of the lawsuit. *Denton v. Hernandez*, 504 U.S. 25, 27 (1992); *Neitzke v. Williams*, 490 U.S. 319, 324 (1988). The court is required to deny a request to proceed IFP if (1) the allegation of poverty is untrue, (2) the action is frivolous or fails to state a claim, or (3) seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

In his appeal to the Seventh Circuit, Mr. Fontanez challenges the Executive Committee's January 18, 2007 order on the grounds that the Executive Committee wrongfully assessed that seven of his thirteen filed cases were frivolous or failed to state a claim when the Executive Committee imposed a bar against filing new civil cases pro se. The Executive Committee characterized Mr. Fontanez's cases as frivolous or failing to state a claim based on the individual district judge's ruling in each case, which Mr. Fontanez had the opportunity to appeal but has chosen not to do so in each case so far for which the time period for filing an appeal has run. Furthermore, the Executive Committee narrowly tailored the restriction on Mr. Fontanez, allowing him to continue to litigate all currently pending case, defend himself in criminal matters, initiate any habeas corpus proceedings or requests for extraordinary writs, and file appeals in the U.S. Courts of Appeals and the U.S. Supreme Court. Because Mr. Fontanez in his appeal attempts only to recharacterize the previous orders of dismissals on which the Executive Committee relies as stating a claim or not frivolous, the Executive Committee finds Mr. Fontanez's appeal to be frivolous and a continued abuse by Mr. Fontanez of the judicial process.

Accordingly, Mr. Fontanez's application to proceed in forma pauperis on appeal (Dkt. No. 4) is denied.

ENTER:
FOR THE EXECUTIVE COMMITTEE



Chief Judge

Dated at Chicago, Illinois this 14th day of March, 2007